

Trevino et al.

S/N: 09/683,129

REMARKS

Claims 1-32 are pending in the present application. In the Office Action mailed April 8, 2005, the Examiner rejected claims 1-32 under 35 U.S.C. §102(e) as being anticipated by Banks et al. (USP 6,674,449). Additionally, the Examiner objected to claim 21 for containing a typographical error. Applicant appreciates the Examiner's indication that the remarks previously presented in support of patentability were found persuasive and, thus, the previous basis of rejection has been removed.

Election/Restriction

Applicant appreciates the Examiner's indication that the remarks in support of rejoinder were persuasive and, thus, the restriction requirement has been removed. However, in reiterating Applicant's previous statements in support of rejoinder, the Examiner stated that Applicant stated "Group II are not patentable without the details of the subcombination." This paraphrasing of Applicant's position is inaccurate. Rather, Applicant stated that Applicant had not asserted that the combination to be patentable without the subcombination. This statement is distinguishable from asserting that "Group II are not patentable without the details of the subcombination," as the Examiner paraphrased. Additionally, the Examiner stated that Applicant stated that numerous elements found within different claims are "the same limitations." However, this is also an incorrect assertion. Applicant did not state that, for example, a "messaging module" is the same limitation as "displaying prescription windows." Rather, Applicant stated that the similarities between various elements of the claims rendered the restriction improper. Claim elements may vary in scope without giving rise to a basis for restriction. See MPEP §§806.05(c), 808, and 808.02.

Claim Objections

The Examiner objected to claim 21 because a typographical error. Applicant has amended the claim to reflect the appropriate correction.

Claim Rejections Under §102(e)

The Examiner rejected claims 1-32 as anticipated by Banks et al. With respect to claim 1, The Examiner stated that Banks et al. teaches the claimed "messaging module" because Figs. 9-10 of Banks et al. teach the inclusion of an "Accept" button "for allowing the technician to accept the modification," which, according to the Examiner, is tantamount to "a message to the technician regarding the selection protocols module." Additionally, the Examiner stated that since Banks et al. states that a password may be used to require a technician to login to the

Trevino et al.

S/N: 09/683,129

system, this password prompting is equivalent to a "messaging module" that is "configured to automatically display messages regarding the imaging application." Applicant believes the Examiner's interpretation of a "messaging module" to be overly broad. As such, Applicant has amended the claim to clarify that the messaging module is not merely an accept button or a password prompt. Rather, as shown in Figs. 17-21, the messaging module is a "dedicated messaging module configured to be persistently displayed across variations in the plurality of modularizing selectors and the plurality of status indicators" and to automatically display messages regarding the imaging application." Nowhere does Banks et al. teach such a dedicated messaging module configured as claimed. For at least these reasons, claim 1 is patentably distinct from the art of record. Furthermore, claims 2-9 are distinguishable from Banks et al. at least pursuant to the chain of dependency.

Regarding claim 10, Applicant has amended the claim to clarify that "the GUI is specific to only one medical imaging modality." That is, as identified in the Background of the Invention section of the Specification, "it would be desirable to design a method and apparatus for managing the workflow for prescribing MR imaging sessions and experiments that would be adaptable to a particular MR application." Application, ¶[0005]. However, Banks et al. does not teach such because Banks et al. is clear that the GUI must be "a universal interface usable with at least first and second different imaging modalities." Col. 5, Ins. 52-56. As such, Banks et al. does not teach that which is called for in claim 10. Furthermore, claims 11-154 are distinguishable from Banks et al. at least pursuant to the chain of dependency.

Regarding claim 16, the Examiner concluded, "Banks et al. explicitly teaches (C) receive a number of application step identifiers," because "when the ACQUIRE selector is selected, a plurality of step identifiers are listed on the GUI for sending said each step command to the CPU...and when the LOCALIZER is initiated by selecting it, said plurality of parameter identifiers are displayed for sending to the CPU by selecting ACCEPT." However, Applicant does not believe this teaches receiving "a number of application steps identifiers." First, selecting "ACQUIRE" does not cause the system to "receive a number of application steps identifiers." Rather, at best, it causes the CPU to display step identifiers. Similarly, selecting "LOCALIZER" does not cause the system to "receive a number of application steps identifiers." Rather, as the Examiner identified, it causes identifier to be "displayed for sending to the CPU by selecting ACCEPT."

Trevino et al.

S/N: 09/683,129

Furthermore, the Examiner concluded, "Banks et al. explicitly teaches (D) display a GUI on a console, the GUI having a number of tabs equal to the number of identified application steps." To support this conclusion, the Examiner cited Figs. 5-10 of Banks et al. and stated that the Figs. show "a plurality of digital tabs, one for each application step." While Applicant does not necessarily disagree with the Examiner's statements regarding what is shown in Figs. 5-10, such does not anticipate claim 16. That is, while Banks et al. may teach "a plurality of digital tabs, one for each application step," it does not teach a "GUI having a number of tabs equal to the number of identified application steps," as claimed. As addressed above, Banks et al. does not teach "receiving a number of application step identifiers." Therefore, Banks et al. does not teach matching the number of tabs displayed to the number of application steps received. Rather, Banks et al. is clear that tabs cited by the Examiner are arranged based on a "typical workflow". Col. 13, lns. 15-25. That is, the number of tabs and the arrangement thereof is based on a "typical workflow" and, should the workflow deviate from the "typical workflow", the tabs will not match the number of application steps. For example, should the workflow not include an "ob ax FSE" step, the "ob ax FSE" tab would still be displayed. Thus, Banks et al. does not teach that the GUI has "a number of tabs equal to the number of identified application steps."

For at least these reasons, claim 16 is not anticipated by Banks et al. Furthermore, claims 17-24 are distinguishable from Banks et al. at least pursuant to the chain of dependency.

Regarding claim 25, the Examiner stated, Banks et al. explicitly teaches displaying a GUI for prescribing an image session, the GUI having a number of vertically aligned modularizing tabs corresponding to the number of prescription steps as applied to claims 2, 10, and 23 above." However, as shown above with respect to claim 16, Banks et al. is clear that the number of tabs and the arrangement of the tabs are based on a "typical workflow." Col. 13, lns. 15-25. Nowhere does Banks et al. teach that the "number of vertically aligned modularizing tabs correspond[s] to the number of prescription steps," as claimed.

For at least these reasons, claim 25 is not anticipated by Banks et al. Furthermore, claims 26-32 are distinguishable from Banks et al. at least pursuant to the chain of dependency.

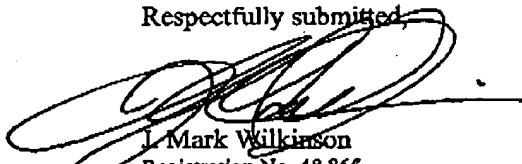
Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-32.

Trevino et al.

S/N: 09/683,129

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



J. Mark Wilkinson
Registration No. 48,863
Direct Dial 262-376-5016
jmw@zpspatents.com

Dated: June 2, 2005
Attorney Docket No.: GEMS8081.108

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170